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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,776	09/28/2001	Richard Johnson	10407/518	5084

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BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP  
SUITE 711  
1880 CENTURY PARK EAST  
LOS ANGELES, CA 90067

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/966,776

Applicant(s)  
JOHNSON

Examiner  
James O. Hansen

Art Unit  
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 13, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) 4, 12, 20, 25, 26, 28-32, and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-19, 21-24, 27, 33, and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Claims 4, 12, 20, 25-26, 28-32 & 35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6. It is noted that claims 4, 12, & 20 are withdrawn from further consideration by the examiner since the "seal" limitation which is present in these claims is only disclosed within the non-elected Group II species.
2. Applicant's election with traverse of Group I in Paper No. 6 is acknowledged. The traversal did not consist of any arguments on record. Since applicant did not submit evidence or identify such evidence now of record showing the species to be obvious variants, the requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-6, 9-11, 13-14, 27 & 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Koope [U.S. Patent No. 5,690,402]. Koope (figures 1-4) teaches of a box (2) comprising: a substantially non-rectangular housing having a substantially hollow interior; a door

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(45) having a display panel (47); and a hinge (46) operatively attaching the door to the housing. The door further comprising a lip (see extended lip on the door surface as depicted in fig. 4) at least partially circumscribing the door.

5. Claims 9-11, 13-19, 21-24 & 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Nunn [U.S. Patent No. 5,048,900]. Nunn (figures 1-4) teaches of a box (10) comprising: a housing having a substantially hollow interior; a door (16) having a display panel (28); and a hinge (15) operatively attaching the door to a side portion of the housing. The door further comprising a lip (see extended lip on the door surface as depicted in fig. 1) at least partially circumscribing the door, and a lock (17) for securing the box.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-8 & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppe in view of Nunn. Koope teaches applicant's inventive claimed concept as disclosed above, but does not show the box having a lock. However, Nunn teaches of a box having a lock in an analogous art as disclosed above. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the box of Koppe so as to incorporate a lock as

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taught by Nunn because a lock would allow the door of Koppe's box to be securely held in a closed position in relation to the housing.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hetherwick et al., Kallenbaugh et al., Stilling, British publication 2162417, and Thomas describe boxes with doors..

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers** for Official Papers are as follows:  
**Before Final (703) 872-9326 & After Final (703) 872-9327.**

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.

  
James O. Hansen  
Primary Examiner  
Technology Center 3600

JOH  
December 4, 2002